THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 826 OF 2005

Dated 8th August 2007

Between:

K.V.R.Chowdary

…Petitioner

and

A.P.State Road Transport Corporation,
Rep.by its Managing Director, Musheerabad & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 826 OF 2005

O R D E R:

The respondents issued a tender notification, dated 3.11.2002, inviting tenders for award of contract/licence, in respect of various stalls, canteens, etc. Item No.12 thereof, was the licence to run a canteen and cool drink shop at the Express Plot form of Suryapet Bus station. The petitioner emerged as the highest tenderer, on a monthly rent of Rs.22,004/- for canteen, and Rs.19,000/- for cool drink shop. The petitioner was to deposit Rs.1,54,022/- and Rs.1,33,000/- as security deposit and advance rent, for the canteen and cool drink shop, respectively. After the amount deposited towards EMD was taken into account, the petitioner paid a further sum of Rs.86,882/-.

After the amounts were paid, the petitioner submitted a representation, dated 17.3.2003, to the Divisional Manager, to undertake repairs in the premises.

Before the petitioner opened the canteen and cool drink shop, a Hi-tech Bus Station, in the immediate neighbourhood of the Express Plot form, was constructed and was inaugurated on 20.5.2003. According to the petitioner, express buses were also required to stop in the Hi-tech Bus Station. Since the very source of business at the Express Bus Station had virtually disappeared, he did not open the canteen and cool drink shop, and submitted representations dated 20.5.2003 and 31.5.2003, with a request to refund the amount paid by him. The grievance of the petitioner is that no action has been taken thereon.

Heard the learned counsel for the petitioner.

The writ petition was admitted, way back on 28.4.2005. So far, no counter affidavit is filed by the respondents. It was adjourned on several occasions and is being posted for judgment on 1.8.2007. Ever since then, there is no representation.

The petitioner emerged as the highest bidder for grant of licence to run canteen and cool drink shop at Express Bus Station, Suryapet. The copies of correspondence, placed before this court by the petitioner, disclose that not only a Hi-tech Bus Station was constructed in the immediate neighbourhood, but also instructions were given for stoppage of Express buses also in that newly constructed bus station. A separate canteen is said to have been opened in that. With this, the very substratum of the business for the canteen at Express bus station had depleted. It was in this context that the petitioner made a representation to the respondents, to refund the amount deposited by him. The averment of the petitioner that no orders were passed on his representations, much less any order of forfeiture was issued, remains

uncontroverted.

Under these circumstances, the writ petition is allowed, and the respondents are directed to refund the amount deposited by the petitioner as highest bidder for the canteen and cool drink shop, in pursuance of a tender notice dated 3.11.2002, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

8th August 2007

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